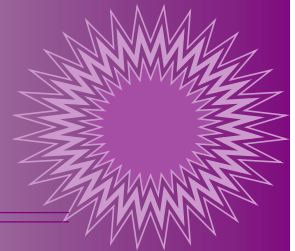




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Ethics News



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Retaliation?

Timothy J. McClure, Director, Indiana State Ethics Commission

It's always disappointing - and perhaps even a little discouraging - for state employees to learn about investigations undertaken by the State Ethics Commission. While the very existence of the commission tells the public that state government is serious about policing itself, we nevertheless don't like to think that a fellow state employee might be involved in a conflict of interest, malfeasance or some other ethical violation.

But state government employs 34,000 people. We know the vast majority of state employees are honest and hard working, but we have to expect that a few bad apples will float to the surface.

Sometimes state employees become personally aware of questionable behavior. Some choose to keep quiet for fear of retribution.

I don't blame would-be whistleblowers for being fearful. People in all walks of life can be and often are vindictive, especially when their job and credibility are on the line. And few of us can afford to have our own jobs threatened or made so uncomfortable that we feel compelled to leave.

What's more, our society disdains a "tattletale" and a whistleblower risks being ostracized by his or her peers.

So what's a person to do?

First, the ethics code allows the commission to receive information in any way, including anonymously. We gladly accept formal complaints, but we take seriously *all* complaints that we receive. If you were aware of a possible ethical violation and wanted to pass on anonymous information by letter, phone call or e-mail, we'll take it. And you will have done the right thing.

If you don't choose anonymity but come forward with information, a state law on retaliation protects you. A person found guilty of retaliating against another can lose his or her job and be fined up to \$10,000 for each occurrence.

Ultimately, you are our first line of defense against conflicts of interest and other ethics violations that can harm the state.

We need your help. In exchange you have our promise that we'll do everything in our power to help you.



Look What's NEW!

(Ethics training at your finger tips!)

You say you don't have time to go to an ethics class? Did you know it's every state employee's responsibility to be aware of the ethics rules and to follow them? Would you know what to do if you were ever faced with an ethics situation?

Now's the time to find out. Whether it's orientation or a refresher that you need, you can do so right at your desktop. Training consists of viewing a 10 minute video on the rules followed by a short quiz. Certificates of Completion are given to participants. So take a few minutes to become familiar with the rules and find out what's expected of you on the job.



Click here to go to
Online Orientation/Refresher
www.In.gov/ethics/training

Recent Enforcement Proceeding

The State Ethics Commission approved the following report regarding a state employee who had waived his right to a public hearing, and entered into an agreed settlement.

Case #02-C-22

A former employee with the Indiana Department of Environmental Management was levied a civil penalty of \$100 for violating the Post-Employment Restriction, IC 4-2-6-11. Upon leaving state government on September 28, 2001, the former employee subsequently went to work for a private firm as Manager of Water/Wastewater Operations. As an employee of the firm, he represented and assisted the town of New Harmony on a particular matter for which he had responsibility as an IDEM employee and was within the 12 month prohibition period.

Commission meetings are open to the public and held the second Thursday of the month. Normal starting time is 10:00 a.m.

Staff Advice

This article briefly reviews questions recently addressed by the Ethics Commission staff. The advice is not intended as a comprehensive analysis of the issue raised. For more information on whether and how this information may apply in another situation, contact your [agency Ethics Officer](#) or the State Ethics Commission.

NOTE: Please be advised that the opinions in these answers merely interpret and apply the State Ethics Commission's laws, regulations, and policies. The fact scenarios presented in these questions could possibly violate other agency laws, regulations, rules, or policies.

Q. May an employee who works in the Appraisal Section of his agency do some appraisal work for a private, independent appraisal company? Or would the project, which does not involve federal funds, put the employee in jeopardy of violating any of the state's ethics laws or rules?

A. Staff concluded that the project would not prohibit the employee from "the full and proper discharge of his public duties and responsibilities." Furthermore, the project would not impair the employee's independence of judgment, create an incentive to reveal confidential information, or pose a likelihood of a conflict of interest. The employee was advised to check with his Ethics Officer regarding whether working on the project would violate any of his agency's rules.

The employee was further advised not to use state time or state resources when performing work for the appraisal company. This would insure that the employee would not run afoul of the prohibition against misuse of state materials, funds, property, personnel, facilities or equipment.

Q. Can the mother of the superintendent/principal of a school at a state facility under the jurisdiction of the Ethics Commission substitute teach at the facility's school?

A. Under the state's nepotism statute, certain relatives may not directly supervise other certain relatives. In this situation, the assistant principal directly supervises all substitute teachers. Since the superintendent/principal of the school would not be directly supervising her mother, the mother would be allowed to substitute teach at the school.

Q. Can a former IMPACT caseworker (who worked in Vigo County) and her husband who own an auto repair business become an IMPACT provider (making repairs on mandatory TANF recipients' vehicles) in another county?

A. The retired caseworker and her spouse will not violate the state's post employment restriction statute if their business becomes an IMPACT provider in another county.

Q. Can state employees accept discounts from state contractors?

A. State contractors may offer discounts to state employees, as long as they offer similar discounts to other groups. However, it is NOT always O.K. for certain state employees to accept the discount. Specifically, any employee that works for an agency that has a business relationship (e.g., a contract) with the contractor is subject to the following two rules:

Rule Number One: You cannot accept the discount, or any other gift from the contractor, if it could reasonably be inferred that the gift would influence you to give special consideration to the contractor.

Rule Number Two: **This rule comes into play for all employees who do not have discretion to take action toward the contractor.** You can only accept a discount, or any other gifts from a contractor, if they do not total more than \$25 in a calendar year.

Q. Can state employees work at the voting polls and get paid?

A. There is no prohibition against employees being paid for working at the polls. Since this is an election year, employees need to remember that they cannot solicit political contributions from employees they supervise nor from persons they know to have a business relationship with their agency.

Employees who work for agencies that receive funding from the federal government should be aware they are covered by the Hatch Act, which is the federal government's political activity rule. For more information on the Hatch Act, contact the Office of Special Counsel at (800) 854-2824 (or see <www.osc.gov> on the Internet). You also may see the Political Activity Guide on the Ethics Commission's Web site at <<http://www.in.gov/ethics/pubs/>>.

Q. What if I receive an unsolicited gift that I cannot accept? What should I do with it?

A. You may simply return the gift at your agency's expense. In the case of non-perishable items, return the item to the donor with a brief note advising the donor of the ethics gift rule and thanking the person for the offer. Perishable items may be given to an appropriate charity, shared with the office, or destroyed.



T*wo things fill the mind with ever new and increasing admiration and awe...the starry heavens above me and the moral law within me.*

KANT, Immanuel, 1724-1804
Critique of Practical Reason, (1788)

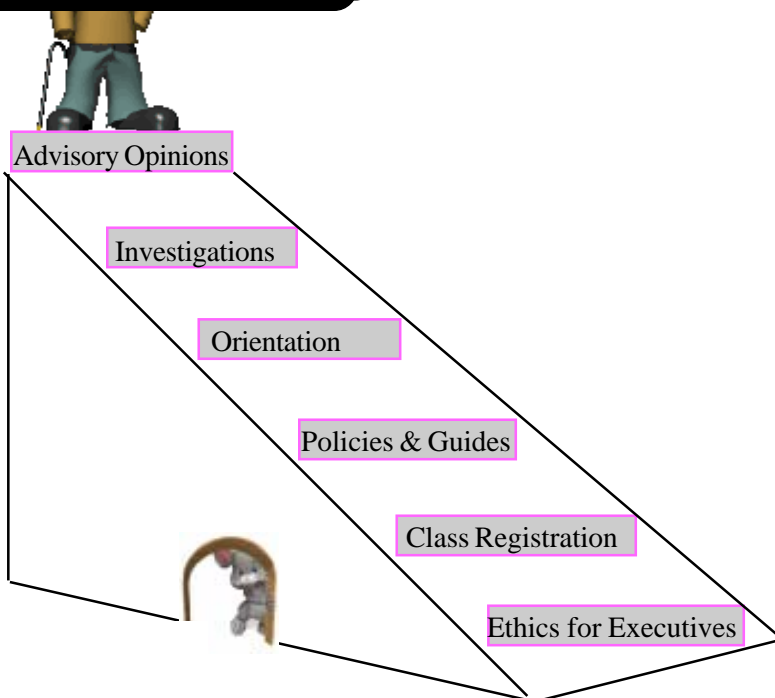
Ethics Classes



Links



Fall Classes Still Open
Ethics Orientation October 8 December 10 10:00 - 11:00 a.m. State Training Center, Room 1
Supervisors & Managers October 16 December 11 10:00-12:30 p.m. State Conference Center, Room C
Classes are in the State Conference or Training Center, Indiana Government Center South, 402 W. Washington St., Indianapolis, IN
To register, call (317) 232-3850 or visit our Web site at www.ethics.IN.gov



For more about ethics, click on any of the above links.